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If you need assistance, please contact the Division of Measurement Services at (916) 229-3000 or by e-mail dms@cdfa.ca.gov.

Extracts from the

BUSINESS AND PROFESSIONS CODE

of California

PERTAINING TO

**WEIGHTS AND MEASURES
AND PETROLEUM PRODUCTS**

JANUARY 2004



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS**

Arnold Schwarzenegger, Governor

PETROLEUM

§ 13562. CHANGE OF DESIGNATION UNDER WHICH PRODUCT PURCHASED: AUTHORIZATION

No person other than the true manufacturer who purchases any petroleum product shall change the designation under which the product is purchased by him, without a written authorization.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

§ 13563. WRITTEN AUTHORIZATIONS: WHEN REQUIRED

Added Stats 1965 ch 1394 § 2; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

§ 13564. WRITTEN AUTHORIZATIONS: CONTENTS

Added Stats 1963 ch 2005 § 2; Amended Stats 1965 ch 1394 § 3; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

§ 13565. FORM OF AUTHORIZATIONS: ADDITIONAL INFORMATION THEREIN

Added Stats 1965 ch 1394 § 4; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

§ 13566. WRITTEN AUTHORIZATIONS: PLACE OF KEEPING

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

§ 13567. WRITTEN AUTHORIZATIONS: AVAILABILITY FOR INSPECTION

Added Stats 1965 ch 1394 § 5; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

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§ 13568. WRITTEN AUTHORIZATIONS: FURNISHING COPIES

Copies of the written authorizations required by this article shall be furnished the department upon request.

Added Stats 1965 ch 1394 § 6; Renumbered Stats 1980 ch 636.

§ 13569. FORGERY OR FALSIFICATION

Added Stats 1965 ch 1394 § 7; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

§ 13570. PERCENTAGE OF ALCOHOL TO BE STATED ON NORMAL BUSINESS RECORDS

(a) A manufacturer, blender, agent, jobber, consignment agent, or distributor who distributes motor fuel products that contain at least 1 percent alcohol by volume, shall state on an invoice, bill of lading, shipping paper, or other documentation used in normal and customary business practices, the percentage of alcohol, the type of alcohol, and, except in documentation certifying the octane rating of gasoline as required by federal law, the minimum antiknock index number, as defined in Section 13403, of the products distributed.

(b) If a motor vehicle fuel product contains less than 10% percent alcohol, a statement in the documentation that the product "contains up to 10% ethanol" meets the requirement of subdivision (a) that it state the percentage of alcohol.

(c) This section, as it relates to certification of the minimum antiknock index number, applies to all motor vehicle gasoline distributed.

Added Stats 1983 ch 1012 § 4; Amended Stats 1984 ch 698; Amended Stats 1985 ch 167 § 10; Amended Stats 2003 ch 63 § 1.

§ 13571. INSPECTION OF DOCUMENTATION

Copies of the documentation specified in Section 13570 shall be available for inspection during business hours by duly authorized representatives of the department.

Added Stats 1983 ch 1012 § 5.

SERVICE STATIONS

CHAPTER 14.5

Service Stations

[Added Stats 1984 ch 1561 § 1.]

- § 13650. “Service station”
- § 13651. Provision of air, water, and pressure gauge
- § 13652. Punishment for intentional violations: Compliance after receiving notice
- § 13653. Enforcement
- § 13660. Refueling services to disabled drivers

§ 13650. “SERVICE STATION”

“Service station”, as used in this chapter, means any establishment which offers for sale or sells gasoline or other motor vehicle fuel to the public.

Added Stats 1984 ch 1561.

§ 13651. PROVISION OF AIR, WATER, AND PRESSURE GAUGE

- (a) (1) On and after January 1, 2000, every service station in this state shall provide, during operating hours, and make available at no cost to customers who purchase motor vehicle fuel, water, compressed air, and a gauge for measuring air pressure, to the public for use in servicing any passenger vehicle, as defined in Section 465 of the Vehicle Code, or any commercial vehicle, as defined in Section 260 of the Vehicle Code, with an unladen weight of 6,000 pounds or less.
- (2) Every service station in this state shall display, at a conspicuous place on, at, or near the dispensing apparatus, at least one clearly visible sign which shall read as follows:

“CALIFORNIA LAW REQUIRES THIS STATION TO PROVIDE FREE AIR AND WATER FOR AUTOMOTIVE PURPOSES TO ITS CUSTOMERS WHO PURCHASE MOTOR VEHICLE FUEL. IF YOU HAVE A COMPLAINT NOTIFY THE STATION ATTENDANT AND/OR CALL THIS TOLL-FREE TELEPHONE NUMBER: 1 (800)_____.”

This sign shall meet the requirements of Sections 13473 and 13474 with regard to letter size and contrast. As used in this paragraph, automotive purposes does not include the washing of vehicles.

WEIGHTS AND MEASURES

- (b) (1) On and after January 1, 1990, every service station in this state located within 660 feet of an accessible right-of-way of an interstate or primary highway, as defined in Sections 5215 and 5220, shall provide, during business hours, public restrooms for use by its customers. Service stations shall not charge customers separately for the use of restroom facilities.
- (2) The public restroom shall not be temporary or portable but shall be permanent and shall include separate facilities for men and women, each with toilets and sinks suitable for use by disabled persons in accordance with Section 19955.5 of the Health and Safety Code and Title 24 of the California Code of Regulations. However, a service station not located along an interstate highway and in a rural area, as defined by Section 101 of Title 23 of the United States Code, and where the annualized average daily traffic count is 2,500 vehicles or less, is only required to provide a single restroom to be used by both men and women unless the local legislative body or, upon designation by the local legislative body, the local building official determines and finds, based upon traffic studies and local or seasonal tourist patterns, that a single restroom would be inadequate to serve the public. In that event, the single restroom exemption shall not apply. The single restroom shall contain a toilet, urinal, and sink suitable for use by disabled persons as required by the Americans With Disabilities Act and Title 24 of the California Code of Regulations. The single restroom shall be equipped with a locking mechanism to be operated by the user of the restroom and the restroom shall be maintained in a clean and sanitary manner.
- (3) This subdivision does not apply to service stations that are operational prior to January 1, 1990, and that would be obligated to construct permanent restroom facilities to comply with this subdivision.
- (4) For the purposes of this subdivision, "customer" means a person who purchases any product available for sale on the premises of the service station, including items not related to the repairing or servicing of a motor vehicle.
- (c) Every service station in this state shall display, at a conspicuous place on, at, or near the dispensing apparatus or at or near the point of sale, at least one clearly visible sign showing a list of applicable state and federal fuel taxes per gallon of motor vehicle fuel sold from the dispensing apparatus. The sign may display the federal excise tax rate as "up to \$.184".
- (d) (1) The Division of Measurement Standards of the Department of Food and Agriculture shall, no later than January 1, 2001, establish a toll-free customer complaint telephone number. The toll-free telephone number thereby established shall be printed on the sign required pursuant to paragraph (2) of subdivision (a).

SERVICE STATIONS

(2) Notwithstanding any other provision of law, employees of the Division of Measurement Standards, upon inspection, or upon notice of a complaint forwarded pursuant to this section, are empowered to investigate a complaint against a service station for lack of free air and water and issue a citation to the station, and to collect a fine of two hundred fifty dollars (\$250) per valid complaint, unless the citation is challenged in court. No citation shall be issued if the air and water equipment is in good working order upon initial inspection, or if they are repaired to the satisfaction of the inspecting entity within 10 working days of the initial inspection. In addition, no citation based on nonfunctional air and water equipment shall be issued if the service station can establish that the equipment has been the target of repeated vandalism, substantiated by three or more police reports within six months detailing the vandalism.

Added Stats 1984 ch 1561; Amended Stats 1988 ch 1498 § 1; Amended Stats 1989 ch 491 § 1; Amended Stats 1990 ch 555 § 1; Amended Stats 1996 ch 489 § 2; Amended Stats 1999 ch 583 § 2; Amended Stats 2003 ch 63 § 2.

§ 13652. PUNISHMENT FOR INTENTIONAL VIOLATIONS: COMPLIANCE AFTER RECEIVING NOTICE

(a) Any person who intentionally violates any provision of this chapter or any regulation promulgated pursuant thereto is guilty of an infraction, and, upon conviction, shall be punished by a fine not to exceed fifty dollars (\$50) for each day that the person violates the provision or regulation.

(b) The failure of an owner or manager of a service station to have adequate water and air facilities available for use by the public, or to provide permanent public restrooms for use by its customers, as required by subdivision (b) of Section 13651, for five consecutive working days, constitutes a rebuttable presumption affecting the burden of proof that the owner or manager has intentionally violated this chapter. This subdivision does not apply to restrooms rendered inoperable as a result of vandalism or plumbing problems that may not be readily repaired.

(c) Notwithstanding any other provision of this chapter, no person shall be guilty of the infraction specified in subdivision (a) if that person, within seven days after receiving notification from the city attorney, district attorney, or Attorney General of any violation of this chapter, makes whatever changes are necessary to comply with the requirements of this chapter.

Added Stats 1984 ch 1561; Amended Stats 1989 ch 491 § 2.

WEIGHTS AND MEASURES

§ 13653. ENFORCEMENT

Notwithstanding any other provision of law, this chapter may be enforced by the city attorney, district attorney, or Attorney General.

Added Stats 1984 ch 1561.

§ 13660. REFUELING SERVICES TO DISABLED DRIVERS

(a) Every person, firm, partnership, association, trustee, or corporation that operates a service station shall provide, upon request, refueling service to a disabled driver of a vehicle that displays a disabled person's plate or placard, or a disabled veteran's plate, issued by the Department of Motor Vehicles. The price charged for the motor vehicle fuel shall be no greater than that which the station otherwise would charge the public generally to purchase motor vehicle fuel without refueling service.

(b) Any person or entity specified in subdivision (a) that operates a service station shall be exempt from this section during hours when:

(1) Only one employee is on duty.

(2) Only two employees are on duty, one of whom is assigned exclusively to the preparation of food.

As used in this subdivision, the term "employee" does not include a person employed by an unrelated business that is not owned or operated by the entity offering motor vehicle fuel for sale to the general public.

(c) (1) Every person, firm, partnership, association, trustee, or corporation required to provide refueling service for persons with disabilities pursuant to this section shall post the following notice, or a notice with substantially similar language, in a manner and single location that is conspicuous to a driver seeking refueling service:

"Service to Disabled Persons

Disabled individuals properly displaying a disabled person's plate or placard, or a disabled veteran's plate, issued by the Department of Motor Vehicles, are entitled to request and receive refueling service at this service station for which they may not be charged more than the self-service price."